

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTIN LUTHER KING, JR.
COUNTY, et al.,

Plaintiffs,

v.

SCOTT TURNER in his official capacity
as Secretary of the U.S. Department of
Housing and Urban Development, et al.,

Defendants.

No. 2:25-cv-00814-BJR

DECLARATION OF NICOLE
ROCHE

I, NICOLE ROCHE, declare as follows:

1. I am a resident of the City of Chicago in the State of Illinois. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I currently serve as Contracts Administrator for the Chicago Department of Aviation (“the CDA”). I have held this position since November 2021. Before becoming Contracts Administrator, I served as the Chief Contract Expediter for the CDA for seven years. In my role at the CDA, I oversee the CDA’s Design and Construction contract team to ensure proper execution of multi-million-dollar contracts to support the capital improvement program for Chicago O’Hare International Airport (“O’Hare”). I also am responsible for all aspects of the CDA Design

1 and Construction team personnel and non-personnel budget. I additionally assist in developing,
2 coordinating, and finalizing complex contractual funding and financing arrangements for both
3 O'Hare and Chicago Midway International Airport ("Midway"). My duties include monitoring
4 and awareness of the federal funding process, including of the application for and receipt of federal
5 funds granted and disbursed by DOT, Federal Aviation Administration ("FAA").
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7 3. Acting through the CDA, the City of Chicago owns and operates O'Hare and
8 Midway airports (the "Airports"). CDA is specifically responsible for the management and control
9 of the operation, maintenance, design, and construction of the Airports. CDA maintains safe
10 conditions and efficient operations, not only for those who use the Airports directly but as a part
11 of the worldwide international air transportation system for passengers and cargo. This is no small
12 task, given that the Airports have high volumes of both passengers and cargo.
13

14 4. Last year, O'Hare had the second highest number of aircraft movements, *i.e.*,
15 landings and takeoffs, among all the airports in the world. Also in 2024, O'Hare was ranked eighth
16 in the world for number of passengers enplaned and deplaned. O'Hare is also a critical part of the
17 global supply chain. Based on U.S. census data, it is the first-ranked airport in the United States
18 based on cargo value, and according to the most recent ACI rankings, thirteenth in the world based
19 on cargo tonnage. The Airports collectively served over 101 million passengers in 2024, and
20 handled over 2 million tons of air cargo.
21

22 5. The CDA relies on funding from the FAA to maintain and improve the safety and
23 efficiency of the Airports as well as to help mitigate the effects of airport noise on the surrounding
24 communities. These federal grants are an integral part of the CDA's financial planning and budget
25 and provide critical funding for project implementation.
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27 6. For example, for Federal Fiscal Years 2023 and 2024, the CDA was awarded over

1 \$200M in federal transportation funds through the FAA for critical airport projects. The FAA
 2 grants were used for work on runways and taxiways, airfield lighting and signage, expansion of
 3 terminal buildings, and sound insulation of residences impacted by airport noise. Recent FAA
 4 grants have included:

- 5 a. \$50 million in 2023 and \$40 million in 2024 to expand O'Hare Terminal 3
 6 by 230,000 square feet in order to provide additional capacity for aircraft
 7 and passengers;
- 8 b. \$20 million in 2024 for expansion and improvements to O'Hare Terminal 5
 9 including adding a pedestrian bridge to the new parking garage and
 10 upgrading check-in and screening areas;
- 11 c. \$12 million in grants in 2023 and 2024 to provide noise-mitigating sound
 12 insulation for 229 residences near Midway; and
- 13 d. \$30 million in 2023 to reimburse Chicago for a portion of the cost of
 14 constructing Runway 9C/27C at O'Hare, which was commissioned in 2020.

15 Other FAA grants have included pavement rehabilitation work as part of CDA's overall pavement
 16 maintenance programs, as required to maintain 14 CFR Part 139 certification.

17 7. CDA receives FAA funding through the Airport Infrastructure Grants (AIG) and
 18 Airport Improvement Programs (AIP). Under these programs, Chicago is annually awarded
 19 millions of dollars in formula and discretionary grants. Then, Chicago submits applications to the
 20 FAA with proposals of how Chicago intends to spend the allocated AIG and AIP money. Once an
 21 individual project application is approved, FAA sends a grant agreement for Chicago's review and
 22 signature. Once the individual project grant agreement is executed, Chicago spends its own money
 23 on approved FAA expenditures and is then reimbursed by FAA.
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1 8. FAA has posted on its website a 2025 template agreement for projects approved
 2 this year. The 2025 agreement template, for the first time, contains additional funding conditions
 3 that were not included in any of the grant documents, and that CDA was not aware of when it
 4 applied for funding. The new conditions have nothing to do with the FAA grant programs. For
 5 instance, the new FAA grant conditions require Chicago to cooperate with Federal officials in the
 6 enforcement of Federal Immigration law and require Chicago to certify that it does not operate any
 7 programs promoting diversity, equity, and inclusion (DEI) initiatives “that violate any applicable
 8 Federal anti-discrimination laws.”
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10 9. None of these conditions appeared in prior FAA agreements.

11 10. To date, the FAA has not sent any agreements using the 2025 template to Chicago.
 12 However, Chicago has several pending applications that Chicago anticipates will be subject to the
 13 new template. The new conditions jeopardize these pending 2025 FAA projects, which include:
 14

- 15 a. \$73,672,455 in FY2022 AIG formula grant funds to be used for taxiway
 16 improvements, residential sound improvements, and taxiway design and
 17 reconstruction at O’Hare;
- 18 b. \$73,376,190 in FY2023 AIG formula grant funds to be used on taxiway
 19 reconstruction, terminal wayfinding design, and Terminal 5 landside
 20 improvements and repurposing at O’Hare;
- 21 c. \$69,604,509 in FY2024 AIG formula grant funds to be used to fund runway
 22 rehabilitation, taxiway reconstruction, and grade separated service roadway
 23 construction at O’Hare;
- 24 d. \$63,939,817 in FY2025 AIG formula grant funds to be used to fund grade
 25 separated service roadway construction, terminal wayfinding construction,
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1 terminal core ADA curbside and roadway lighting and wayfinding, and
2 terminal core ADA curbside and roadway lighting and wayfinding
3 construction at O'Hare;

4 e. \$14,305,265 in FY2025 AIP formula grant funds to be used to fund taxiway
5 construction at O'Hare;

6 f. \$20,245,396 in FY2022 AIG formula grant funds to be used for Runway
7 pavement rehabilitation and construction at Midway;

8 g. \$20,167,165 in FY2023 AIG formula grant funds to be used on runway
9 pavement rehabilitation and construction, central pad redevelopment,
10 taxiway design, and restroom accessibility expansion and rehabilitation at
11 Midway;

12 h. \$20,288,092 in FY2024 AIG formula grant funds to be used to fund
13 restroom accessibility expansion and rehabilitation, multimodal
14 connectivity and accessibility upgrades, central pad redevelopment and
15 taxiway construction at Midway;

16 i. \$20,108,105 in FY2025 AIG formula grant funds to be used to fund central
17 pad redevelopment and taxiway construction at Midway;

18 j. \$3,427,004 in FY2023 AIP formula grant funds to be used to fund runway
19 pavement rehabilitation and construction at Midway;

20 k. \$3,406,462 in FY2024 AIP formula grant funds to be used to fund runway
21 pavement rehabilitation and construction at Midway; and

22 l. \$3,406,462 in FY2025 AIP formula grant funds to be used to fund taxiway
23 pavement rehabilitation design and taxiway pavement rehabilitation
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1 construction at Midway.

2 11. The loss of funding for these grants would have a profound and disruptive effect to
3 the Airports, to say the least. Without these FAA dollars, the projects that improve both the safety
4 and accessibility of Chicago's Airports may become too expensive to undertake. Federal dollars
5 are crucial for maintaining runways, taxiways, and other airport infrastructure. Without these
6 funds, the Airports could struggle to keep their facilities in good condition, potentially leading to
7 safety concerns and delays. Federal funding helps support technological advancements in air
8 traffic control and airport operations as well.
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10 I declare under penalty of perjury that the foregoing is true and correct.
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12 EXECUTED this 19th day of May, 2025.
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14 *Nicole L Roche*
15 _____
16 NICOLE ROCHE
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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2025, I served a true and correct copy of the foregoing document on the following parties by the method(s) indicated below:

Brian C. Kipnis Annalisa L. Cravens Sarah L. Bishop Rebecca S. Cohen <i>Assistant United States Attorneys</i> Office of the United States Attorney 700 Stewart Street, Suite 5220 Seattle, WA 98101-1271 brian.kipnis@usdoj.gov annalisa.cravens@usdoj.gov sarah.bishop@usdoj.gov rebecca.cohen@usdoj.gov <i>Attorneys for Defendants Scott Turner, U.S. Dept. of Housing and Urban Development, Sean Duffy, U.S. Dept. of Transportation, Tariq Bokhari, the Federal Transit Administration, Gloria M. Shepherd, the Federal Highway Administration, Chris Rocheleau, the Federal Aviation Administration, Drew Feeley, the Federal Railroad Administration</i>	<input checked="" type="checkbox"/> CM/ECF E-service <input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail / Return Receipt Requested <input type="checkbox"/> Hand delivery / Personal service
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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 21st day of May, 2025.

/s/ Gabriela DeGregorio

Gabriela DeGregorio
 Litigation Assistant
 Pacifica Law Group LLP

CERTIFICATE OF SERVICE

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